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PLANNING & DEVELOPMENT SERVICES DEPARTMENT REPORT

DATE: August 30, 2001

TO: Orange County Zoning Administrator

FROM: Current Planning Services Division

SUBJECT: Public Hearing on Planning Application PA 01-0069 for a Variance.

PROPOSAL: Request for approval of a Variance for rear yard setback. Proposes existing detached garage to be attached to addition of single-family dwelling. Required setback is 15 feet, requested and existing garage setback is 5 feet.

LOCATION: 3072 Bostonian Drive, Los Alamitos in the Rossmoor area, within the Second Supervisorial District.

APPLICANT: Robert/Marilyn Henley

STAFF CONTACT: James Thue, Project Manager
Phone: (714) 834-2179 FAX: (714) 834-4652

SYNOPSIS: Current Planning Services Division recommends Zoning Administrator approval of PA 01-0069 subject to findings and conditions.

BACKGROUND:

An existing single-story single-family dwelling with detached garage is situated on the property. The residence is located on a corner lot where Bostonian Drive and Silver Fox Road intersect. The project site is in the unincorporated area of Rossmoor, a residential area in the northwestern area of Orange County.

The subject property is zoned R1 "Single-Family Residence" (C3849). The R1 District is established to provide for the development and maintenance of medium density single-family neighborhoods. The zoning C3849 refers to Ordinance 3556, which was adopted by the Board of Supervisors and regulates the zoning in Rossmoor. According to the Ordinance a 15' rear yard setback is required. Building setbacks per section 7-9-127 require a 5' side-yard setback and a 20' front setback. Currently, a 15' setback exists and is met in the rear yard for the existing SFD. However, the existing detached garage is 5 feet from the rear property line. The proposed addition is designed to attach the main dwelling to the garage and thereby create the existing garage setback as non-conforming.

The addition will include a family room and a new second floor. The proposal will create an encroachment into the 15-foot rear yard setback where the existing garage portion of the structure exists. In the past similar variances have been approved for other residences in the area of Rossmoor.

SURROUNDING LAND USE:

Project Site	Zoning	Existing Uses/Structures
North	R1 “Single Family Residence” (C3849)	Residence
South	R1 “Single Family Residence” (C3849)	Residence
East	R1 “Single Family Residence” (C3849)	Residence
West	R1 “Single Family Residence” (C3849)	Residence

REFERRAL FOR COMMENT AND PUBLIC NOTICE:

A Notice of Hearing was mailed to all owners of record within 300 feet of the subject site. Additionally, a notice was posted at the site, and at the 300 N. Flower Building as required by established public hearing posting procedures. The proposal was distributed for review and comment to various County divisions for review and comment. Those comments have been addressed or the recommended conditions of approval are included within Appendix B.

Rossmoor Homeowners Association also reviewed the project and has no objection to the proposal. They issued no comments or conditions for the project.

As of the writing of this staff report, no comments raising issues with the project have been received from other County divisions by staff.

CEQA COMPLIANCE:

This proposal has been declared Categorical Exempt under the provisions of the California Environmental Quality Act (CEQA). Appendix A contains the required CEQA findings.

DISCUSSION/ANALYSIS:

The project proposes using the existing footprint of the home and enlarging it by extending one area of the home and attaching it to the existing detached garage, thus gaining space between the home and the garage. Currently, the 15' rear yard setback is satisfied, with the main building located 25' from the rear property line. According to Section 7-9-137, the placement of accessory structures including detached garages may be placed or constructed any place on the property. Currently, the garage is located outside of the 5' utility easement in the rear yard. Section 7-9-137 also stipulates that accessory structures that are attached to a main building, are enclosed and, are over 8 feet in height shall comply with the setback requirements for a main building. Consolidating both buildings with the proposed room addition will create one main building on the site and is then governed by the setbacks listed in Zoning Ordinance 3556, in which the building will then encroach into the 15' rear yard setback. Therefore, the purpose of

this Planning Application is to obtain a variance permit in order that the setback can be reduced to 5' from the rear property line, otherwise described as the existing rear-yard setback for the garage portion of the structure.

A second floor addition over a portion of the home is also proposed. According to Zoning Ordinance 3922, the maximum building height is 28 feet at 25 feet from the property line. The second story addition is setback 25 feet from the rear property line and proposes a maximum height of 25'3", in compliance with the zoning regulations.

The first floor addition will include a 182 square-foot family room. The second floor will contain two bedrooms, a master bedroom with a balcony, two bathrooms, and a washroom with a sink. An 8'1" X 12'8" walk in closet will also be located on the second floor inside the master bedroom. The new second floor will consist of 1,418 square feet. The total area added will be approximately 1,600 square feet. When completed the total combined square footage will be approximately 3,510.

CONCLUSION OR SUMMARY:

The proposed addition complies with the setback requirements of the district. However, because the addition attaches the dwelling to the existing garage, the garage setback no longer complies and requires review of a variance request. Several residences in Rossmoor have applied and received similar setback variances. These variances do not disturb the quality of the neighborhood. The location and design of the project are compatible with the surrounding neighborhood. Therefore, staff supports approval of this variance.

RECOMMENDED ACTION:

Current Planning Services Division recommends the Zoning Administrator:

- a. Receive staff presentation and public testimony as appropriate; and,
- b. Approve Planning Application PA 01-0069 for a variance subject to the attached Findings and Conditions of Approval.

Respectfully submitted

Chad Brown, Chief,
Site Planning and Consistency Section

ATTACHMENTS:

- Appendix A. Recommended Findings
- Appendix B. Recommended Conditions of Approval

EXHIBITS:

1. Applicant's Letter of Explanation
2. Environmental Documentation
3. Rossmoor Home Owners Association Letter
4. Project Plans
5. Photos of Site

APPEAL PROCEDURE:

Any interested person may appeal the decision of the Zoning Administrator on this permit to the Orange County Planning Commission within 15 calendar days of the decision upon submittal of required documents and a filing fee of \$245.00 filed at the Development Processing Center, 300 N. Flower St., Santa Ana.